



Agenda

FINANCE COMMITTEE MEETING
CITY COUNCIL CHAMBERS
JUNE 21, 2010 – 5:00 PM

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF AGENDA
4. APPROVAL OF CONSENT AGENDA
5. APPROVAL OF MINUTES:

CITY CLERK'S OFFICE

DATE 6/18/10 TIME 10:20a

SERVED BY Yolanda Green

RECEIVED BY [Signature]

JUNE 1, 2010

CONSENT AGENDA

6. BID OPENINGS:
 - A. BID NO. 10/38/B – SOUTH SIDE LIBRARY; LOCKWOOD CONSTRUCTION COMPANY (CHIP LILIENTHAL)
 1. REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – PROJECT FUND
 - B. BID NO. 10/40/B – BARRIO LA CANADA ENTRANCEWAY RENOVATION PROJECT; CERRO AZUL CONSTRUCTION, LLC (DAVID CHAPMAN)
7. REQUEST FOR APPROVAL OF GRANT AGREEMENTS – DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR SUPPORTIVE HOUSING; SANTA FE COMMUNITY HOUSING TRUST (ONE CONTRACT) AND THE LIFE LINK/LA LUZ (4 CONTRACTS) (LEE DEPIETRO)
8. REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – TEST, CALIBRATE, AND REPAIR LARGE WATER METERS FOR WATER DIVISION; GREAT SOUTHWEST METERS (SHANNON JONES)
9. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO CONTRACT – PROVIDE CONSTRUCTION SERVICES FOR CITY WIDE UTILITY CONSTRUCTION & REPAIR PROJECTS; SUB SURFACE CONTRACTING, INC. (BILL HUEY)
10. REQUEST FOR APPROVAL OF GRANT AWARDS – STATE OF NEW MEXICO AGING AND LONG TERM SERVICES DEPARTMENT (MELANIE MONTOYA)



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- A. FOSTER GRANDPARENT PROGRAM
 - B. RETIRED AND SENIOR VOLUNTEER PROGRAM
 - C. SENIOR COMPANION PROGRAM
 - D. REQUEST FOR APPROVAL OF BUDGET INCREASE FROM GRANT REVENUE
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- 11. REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – RENEWAL FOR ADDITIONAL YEAR FOR SALES AND MARKETING SERVICES TO THE CITY; CHRISTINE MADDEN (KEITH TOLER)
 - 12. REQUEST FOR APPROVAL OF BUDGET INCREASE AND PURCHASE OF TWO (2) TRANSIT BUSES (JON BULTHUIS)
 - 13. REQUEST FOR APPROVAL OF CHANGE ORDER NO. 4 – PUEBLOS DEL SOL TRAILS AND PARK; ADVANTAGE ASPHALT & SEAL COATING, LLC (BEN GURULE)
 - 14. REQUEST FOR APPROVAL OF CHANGE ORDER NO. 21 TO CONSTRUCTION CONTRACT – COMPLETION OF LANDSCAPING FOR SFCCC; CAMERON /SWINERTON (CHIP LILIENTHAL)
 - 15. REQUEST FOR APPROVAL - SANTA FE MUNICIPAL AIRPORT STORM WATER POLLUTION PREVENTION PLAN (JIM MONTMAN)
 - 16. REQUEST FOR APPROVAL OF SOLAR ENERGY AGREEMENT – DESIGN, CONSTRUCT, OWN, OPERATE AND MAINTAIN SOLAR ELECTRICITY FOR BUCKMAN DIRECT DIVERSION PROJECT; AMERICAN CAPITAL ENERGY (DALE LYONS)
 - 17. REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND MASTER SOFTWARE LICENSE AGREEMENT – EMERGENCY MEDICAL SERVICES BILLING AND EMERGENCY COST RECOVERY SERVICE; ZOLL DATA SYSTEMS INC. (FIRE CHIEF BARBARA SALAS)
 - 18. REQUEST FOR APPROVAL – RENEWAL OF WORKERS’ COMPENSATION EXCESS INSURANCE COVERAGE (RFP #04/29/P); ARTHUR J. GALLAGHER & COMPANY (BARBARA BOLTREK)
 - 19. REQUEST FOR APPROVAL OF PROFESSIONAL SERVICES AGREEMENT – WORKERS’ COMPENSATION CLAIMS ADJUSTING SERVICES (RFP #10/29/P); CANNON COCHRAN MANAGEMENT SERVICES, INC. (BARBARA BOLTREK)



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20. REQUEST FOR APPROVAL OF A RESOLUTION RELATING TO A REQUEST FOR APPROVAL OF THIRD QUARTER BUDGET ADJUSTMENTS ENDING MARCH 31, 2010. (CAL PROBASCO)
21. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING THE SANTA FE RESIDENTIAL GREEN BUILDING CODE, BEING EXHIBIT A OF CHAPTER VII SFCC 1987, TO CREATE A GRADUATED HOME ENERGY RATING SYSTEM (HERS) REQUIREMENT BASED ON HEATED SQUARE FOOTAGE (COUNCILOR CALVERT) (KATHERINE MORTIMER)
 - A. REQUEST FOR APPROVAL OF A RESOLUTION AMENDING THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE RESIDENTIAL GREEN BUILDING CODE TO CREATE A GRADUATED HOME ENERGY RATING SYSTEM (HERS) REQUIREMENT BASED ON HEATED SQUARE FOOTAGE (COUNCILOR CALVERT) (KATHERINE MORTIMER)

Committee Review:

Public Works (Approved)	6/07/10
Council (Request to Publish)	6/30/10
Council (Public Hearing)	7/28/10

Fiscal Impact – No

22. REQUEST FOR APPROVAL OF A RESOLUTION DECLARING, THIS YEAR AND EVERY YEAR THEREAFTER, THAT THE WEEK PRECEDING THE SANTA FE INTERNATIONAL FOLK ART MARKET SHALL BE KNOWN AS “INTERNATIONAL FOLK ARTS WEEK.” (COUNCILOR WURZBURGER) (JEANNE PRICE)

Committee Review:

Public Works (Scheduled)	6/28/10
Council (Scheduled)	6/30/10

Fiscal Impact – No

23. REQUEST FOR APPROVAL OF A RESOLUTION REPEALING RESOLUTION NO. 2008-50 THAT ESTABLISHED THE LAND USE SUB-COMMITTEE, A SUB-COMMITTEE OF THE PUBLIC WORKS/CIP & LAND USE COMMITTEE, FOR THE PURPOSE OF ELIMINATING THE LAND USE SUB-COMMITTEE. (COUNCILOR DOMINGUEZ) (JEANNE PRICE)



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Committee Review:

Public Works (Scheduled) 6/28/10
Council (Scheduled) 6/30/10

Fiscal Impact - No

24. REQUEST FOR APPROVAL OF A RESOLUTION ALLOCATING THREE ACRE FEET OF AVAILABLE WATER FROM THE CITY'S EXISTING WATER SUPPLY TO LUNA LAUNDRY TO BE LOCATED AT 3138 RUFINA STREET. (COUNCILOR CALVERT) (BRIAN SNYDER)

Committee Review:

Public Utilities (Scheduled) 7/07/10
Council (Scheduled) 7/14/10

Fiscal Impact - Yes

25. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT ("LOAN AGREEMENT") BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE "GOVERNMENTAL UNIT") AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000), TOGETHER WITH INTEREST, COSTS OF ISSUANCE AND ADMINISTRATIVE FEES THEREON, FOR THE PURPOSE OF FINANCING THE COSTS OF A PROJECT CONSISTING OF UPGRADES TO THE CITY'S WATER UTILITY SYSTEM, INCLUDING INSTRUMENTATION OF PUMPING SITES TO MONITOR ENERGY USAGE; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, INTEREST AND ADMINISTRATIVE FEES DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE PLEDGED REVENUES; SETTING A MAXIMUM INTEREST RATE FOR THE LOAN; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT. (COUNCILOR CALVERT) (DALE LYONS)

Committee Review:

Public Utilities (Approved) 6/02/10
Council (Scheduled) 6/30/10

Fiscal Impact – Yes



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26. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO EVALUATE AVAILABLE OPTIONS FOR THE ONGOING FINANCING OF PARKS, OPEN SPACE, TRAIL AND RECREATIONAL FACILITY PROJECTS. (COUNCILOR DOMINGUEZ) (MAYOR COSS) (KATHRYN RAVELING)

Committee Review:

Parks Advisory Board (Approved)	6/15/10
Bicycle & Trails Advisory Committee (Scheduled)	6/24/10
Public Works (Scheduled)	6/28/10
Council (Scheduled)	6/30/10

Fiscal Impact – No

27. REQUEST FOR APPROVAL OF AN ORDINANCE AMENDING SECTION 23-5.3 F. (3) SFCC 1987 REGARDING CONDITIONS OF OPERATION FOR PLAZA ARTISTS/ARTISANS RELATING TO THE DISPLAY OF ARTWORK. (COUNCILOR CALVERT) (SEVASTIAN GURULE)

Committee Review:

Public Works (Scheduled)	6/28/10
Council (Request to Publish)	6/30/10
Council (Public Hearing)	7/28/10

Fiscal Impact – No

28. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO SEEK INPUT FROM SANTA FE PUBLIC SCHOOLS REGARDING THE PROPOSED TEEN CENTER AT TINO GRIEGO POOL AND IF THE SCHOOL DISTRICT SUPPORTS THE CENTER, OBTAIN WHAT, IF ANY, COMMITMENT THE SCHOOL DISTRICT COULD OFFER AS A PARTNER IN THE PROJECT. (COUNCILOR DOMINGUEZ) (TERRIE RODRIGUEZ)

Committee Review:

Public Works (Scheduled)	6/28/10
Council (Scheduled)	6/30/10

Fiscal Impact – No

END OF CONSENT AGENDA



Agenda

FINANCE COMMITTEE MEETING
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DISCUSSION

29. OTHER FINANCIAL INFORMATION:
 - A. UPDATE ON GROSS RECEIPTS TAX RECEIVED IN APRIL 2010 (FOR FEBRUARY 2010 ACTIVITY) AND LODGERS' TAX RECEIVED IN MAY 2010 (FOR APRIL 2010 ACTIVITY) (HELENE HAUSMAN)
30. REQUEST FOR APPROVAL TO FILL VACANT POSITIONS (ROBERT ROMERO)
31. MATTERS FROM THE COMMITTEE
32. ADJOURN

Persons with disabilities in need of accommodations, contact the City Clerk's office at 955-6520 five (5) working days prior to meeting date.

SUMMARY OF ACTION
FINANCE COMMITTEE MEETING
Monday, June 21, 2010

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
CALL TO ORDER AND ROLL CALL	Quorum	1
APPROVAL OF AGENDA	Approved [amended]	1-2
APPROVAL OF CONSENT AGENDA	Approved [amended]	2
CONSENT AGENDA LISTING		2-5
APPROVAL OF MINUTES: JUNE 1, 2010	Approved	5
<u>CONSENT CALENDAR DISCUSSION</u>		
REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – RENEWAL FOR ADDITIONAL YEAR FOR SALES AND MARKETING SERVICES TO THE CITY; CHRISTINE MADDEN	Approved	5-6
REQUEST FOR APPROVAL OF CHANGE ORDER NO. 4 — PUEBLOS DEL SOL TRAILS AND PARK; ADVANTAGE ASPHALT & SEAL COATING, LLC	Approved [amended]	6-7
REQUEST FOR APPROVAL – SANTA FE MUNICIPAL AIRPORT STORM WATER POLLUTION PREVENTION PLAN	Approved	8
REQUEST FOR APPROVAL OF BUDGET INCREASE AND PURCHASE OF TWO (2) TRANSIT BUSES	Approved w/direction to staff	8-9
REQUEST FOR APPROVAL OF CHANGE ORDER NO. 21 TO CONSTRUCTION CONTRACT – COMPLETION OF LANDSCAPING FOR SFCCC; CAMERON/SWINERTON	Postponed to 07/06/10	9-10
REQUEST FOR APPROVAL OF SOLAR ENERGY AGREEMENT – DESIGN, CONSTRUCT, OWN, OPERATE AND MAINTAIN SOLAR ELECTRICITY FOR BUCKMAN DIRECT DIVERSION PROJECT; AMERICAN CAPITAL ENERGY	Approved	11-13

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
REQUEST FOR APPROVAL OF A RESOLUTION DECLARING THIS YEAR AND EVERY YEAR THEREAFTER, THAT THE WEEK PRECEDING THE SANTA FE INTERNATIONAL FOLK ART MARKET SHALL BE KNOWN AS "INTERNATIONAL FOLK ARTS WEEK	Approved	13
REQUEST FOR APPROVAL OF A RESOLUTION REPEALING RESOLUTION NO. 2008-50 THAT ESTABLISHED THE LAND USE SUB-COMMITTEE, A SUB-COMMITTEE OF THE PUBLIC WORKS/CIP & LAND USE COMMITTEE, FOR THE PURPOSE OF ELIMINATING THE LAND USE SUB-COMMITTEE	Approved [amended]	13-14
REQUEST FOR APPROVAL OF A RESOLUTION ALLOCATING THREE ACRE FEET OF AVAILABLE WATER FROM THE CITY'S EXISTING WATER SUPPLY TO LUNA LAUNDRY TO BE LOCATED AT 3138 RUFINA STREET ***** END OF CONSENT CALENDAR DISCUSSION *****	Remand to Public Utilities	14-17
<u>DISCUSSION</u>		
<u>OTHER FINANCIAL INFORMATION:</u> UPDATE ON GROSS RECEIPTS TAX RECEIVED IN APRIL 2010 (FOR FEBRUARY 2010 ACTIVITY) AND LODGERS' TAX RECEIVED IN MAY 2010 (FOR APRIL 2010 ACTIVITY)	Information/discussion	17-18
REQUEST FOR APPROVAL TO FILL VACANT POSITIONS	Approved	18-21
MATTERS FROM THE COMMITTEE	Information/discussion	21-22
ADJOURN		22

**MINUTES OF THE
CITY OF SANTA FE
FINANCE COMMITTEE**
Tuesday, June 21, 2010

1. CALL TO ORDER

A meeting of the City of Santa Fe Finance Committee was called to order by Acting Chair Rebecca Wurzbarger, at approximately 5:00 p.m., on Tuesday, June 21, 2010, in the Council Chambers, City Hall, 200 Lincoln Avenue, Santa Fe, New Mexico.

2. ROLL CALL

MEMBERS PRESENT:

Councilor Patti J. Bushee
Councilor Carmichael A. Dominguez
Councilor Rosemary Romero
Councilor Rebecca Wurzbarger

MEMBERS EXCUSED:

Councilor Matthew E. Ortiz, Chair

OTHERS ATTENDING:

Kathryn Raveling , Acting Finance Director
Laura Vigil, Finance Division
Melessia Helberg, Stenographer.

There was a quorum of the membership in attendance for the conducting of official business.

NOTE: All items in the Committee packets for all agenda items are incorporated herewith by reference. The original Committee packet is on file in the Finance Department.

3. APPROVAL OF AGENDA

A copy of an email dated June 21, 2010, from Jeanne Price to Kathryn L. Raveling, Yolanda B. Green and Laura C. Vigil, regarding FC Agenda Loan Agreement, Item #25 on this evening's agenda is incorporated herewith to these minutes as Exhibit "1."

Mr. Raveling said staff needs to add additional language to Item #25 on the consent agenda, noting she distributed the email from Ms. Price [Exhibit "1"]. She said the information will be added and when it goes to the Council, the language will be included.

Councilor Dominguez would like to postpone Item #30 until there is a full Committee, so we don't have to have the discussion twice.

Acting Chair Wurzbarger said she spoke to Chair Ortiz about this agenda item, and he is comfortable in moving it forward, recognizing that questions may arise at Council with respect to the Planning & Land Use positions.

Councilor Romero said she will be unable to attend the next Council meeting, and she would prefer to have a discussion here this evening, noting she has questions.

MOTION: Councilor Dominguez moved, seconded by Councilor Romero, to approve the agenda, as amended.

VOTE: The motion was approved on a voice vote, with Councilors Romero and Dominguez voting in favor of the motion, no one voting against, and Councilor Bushee absent for the vote.

4. APPROVAL OF CONSENT AGENDA

MOTION: Councilor Dominguez moved, seconded by Councilor Romero, to approve the following Consent Agenda as amended.

VOTE: The motion was approved on a voice vote, with Councilors Romero and Dominguez voting in favor of the motion, no one voting against, and Councilor Bushee absent for the vote.

CONSENT AGENDA

6. BID OPENINGS:

- A. **BID NO. 10/38/B – SOUTH SIDE LIBRARY; LOCKWOOD CONSTRUCTION COMPANY. (CHIP LILIENTHAL)**
1. **REQUEST FOR APPROVAL OF BUDGET ADJUSTMENT – PROJECT FUND.**

- B. **BID NO. 10/40/B – BARRIO LA CANADA ENTRANCEWAY RENOVATION PROJECT; CERRO AZUL CONSTRUCTION, LLC. (DAVID CHAPMAN)**

7. REQUEST FOR APPROVAL OF GRANT AGREEMENTS – DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR SUPPORTIVE HOUSING; SANTA FE COMMUNITY HOUSING TRUST (ONE CONTRACT) AND THE LIFE LINK/LA LUZ (4 CONTRACTS). (LEE DePIETRO)

8. REQUEST FOR APPROVAL OF AMENDMENT NO. 3 TO PROFESSIONAL SERVICES AGREEMENT – TEST, CALIBRATE AND REPAIR LARGE WATER METERS FOR WATER DIVISION; GREAT SOUTHWEST METERS. (SHANNON JONES)
9. REQUEST FOR APPROVAL OF AMENDMENT NO. 1 TO CONTRACT – PROVIDE CONSTRUCTION SERVICES FOR CITY WIDE UTILITY CONSTRUCTION & REPAIR PROJECTS; SUBSURFACE CONTRACTING, INC. (BILL HUEY)
10. REQUEST FOR APPROVAL OF GRANT AWARDS – STATE OF NEW MEXICO AGING AND LONG TERM SERVICES DEPARTMENT. (MELANIE MONTOYA)
 - A. FOSTER GRANDPARENT PROGRAM
 - B. RETIRED AND SENIOR VOLUNTEER PROGRAM
 - C. SENIOR COMPANION PROGRAM
 - D. REQUEST FOR APPROVAL OF BUDGET INCREASE FROM GRANT REVENUE.
11. *[Removed for discussion by Councilor Dominguez]*
12. *[Removed for discussion by Councilor Bushee]*
13. *[Removed for discussion by Councilors Romero and Wurzbarger]*
14. *[Removed for discussion by Councilor Bushee]*
15. *[Removed for discussion by Councilor Wurzbarger]*
16. *[Removed for discussion by Councilor Bushee]*
17. REQUEST FOR APPROVAL OF SOLE SOURCE PROCUREMENT AND MASTER SOFTWARE LICENSE AGREEMENT – EMERGENCY MEDICAL SERVICES BILLING AND EMERGENCY COST RECOVERY SERVICE; ZOLL DATA SYSTEMS, INC. (FIRE CHIEF BARBARA SALAS)
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- A. REQUEST FOR APPROVAL OF A RESOLUTION AMENDING THE ADMINISTRATIVE PROCEDURES FOR THE SANTA FE RESIDENTIAL GREEN BUILDING CODE TO CREATE A GRADUATED HOME ENERGY RATING SYSTEM (HERS) REQUIREMENT BASED ON HEATED SQUARE FOOTAGE (COUNCILOR CALVERT). (KATHERINE MORTIMER).
- Committee Review: Public Works (Approved) 6/07/10; Council (Request to Publish) 6/30/10; and Council (Public Hearing) 7/28/10. Fiscal Impact – No.
22. *[Removed for discussion by Councilor Romero]*
23. *[Removed for discussion by Councilor Romero]*
24. *[Removed for discussion by Councilor Bushee]*
25. REQUEST FOR APPROVAL OF A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT (“LOAN AGREEMENT”) BY AND BETWEEN THE CITY OF SANTA FE, NEW MEXICO (THE “GOVERNMENTAL UNIT”) AND THE NEW MEXICO FINANCE AUTHORITY, EVIDENCING A SPECIAL LIMITED OBLIGATION OF THE GOVERNMENTAL UNIT TO PAY A PRINCIPAL AMOUNT OF NO MORE THAN TWO HUNDRED FIFTY THOUSAND DOLLARS (\$250,000), TOGETHER WITH INTEREST, COSTS OF ISSUANCE AND ADMINISTRATIVE FEES THEREON, FOR THE PURPOSE OF FINANCING THE COSTS OF A PROJECT CONSISTING OF UPGRADES TO THE CITY’S WATER UTILITY SYSTEM, INCLUDING INSTRUMENTATION OF PUMPING SITES TO MONITOR ENERGY USAGE; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF, INTEREST AND ADMINISTRATIVE FEES DUE UNDER THE LOAN AGREEMENT SOLELY FROM THE PLEDGED REVENUES; SETTING A MAXIMUM INTEREST RATE FOR THE LOAN; APPROVING THE FORM OF AND OTHER DETAILS CONCERNING THE LOAN AGREEMENT; RATIFYING ACTIONS HERETOFORE TAKEN; REPEALING ALL ACTION INCONSISTENT WITH THIS RESOLUTION; AND AUTHORIZING THE TAKING OF OTHER ACTIONS IN CONNECTION WITH THE EXECUTION AND DELIVERY OF THE LOAN AGREEMENT (COUNCILOR CALVERT). (DALE LYONS) Committee Review: Public Utilities (Approved) 6/02/10; and Council (Scheduled) 6/30/10. Fiscal Impact – Yes. A copy of an email dated June 21, 2010, from Jeanne Price to Kathryn L. Raveling, Yolanda B. Green and Laura C. Vigil, regarding FC Agenda Loan Agreement, Item #25 on this evening’s agenda is incorporated herewith to these minutes as Exhibit “1.”

26. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO EVALUATE AVAILABLE OPTIONS FOR THE ONGOING FINANCING OF PARKS, OPEN SPACE, TRAIL AND RECREATIONAL FACILITY PROJECTS (COUNCILOR DOMINGUEZ, MAYOR COSS). (KATHRYN RAVELING). Committee Review: Parks Advisory Board (Approved) 6/15/10; Bicycle & Trails Advisory Committee (Scheduled) 6/24/10; Public Works (Scheduled) 6/28/10; and Council (Scheduled) 6/30/10. Fiscal Impact – No.
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28. REQUEST FOR APPROVAL OF A RESOLUTION DIRECTING STAFF TO SEEK INPUT FROM SANTA FE PUBLIC SCHOOLS REGARDING THE PROPOSED TEEN CENTER AT TINO GRIEGO POOL AND IF THE SCHOOL DISTRICT SUPPORTS THE CENTER, OBTAIN WHAT, IF ANY, COMMITMENT THE SCHOOL DISTRICT COULD OFFER AS A PARTNER IN THE PROJECT (COUNCILOR DOMINGUEZ). (TERRIE RODRIGUEZ) Committee Review: Public Works (Scheduled) 6/28/10; and Council (Scheduled) 6/30/10. Fiscal Impact – No.

END OF CONSENT AGENDA

5. APPROVAL OF MINUTES: JUNE 1, 2010.

MOTION: Councilor Dominguez moved, seconded by Councilor Romero, to approve the minutes of the Finance Committee Meeting of June 1, 2010, as presented.

VOTE: The motion was approved on a voice vote, with Councilors Romero and Dominguez voting in favor of the motion, no one voting against, and Councilor Bushee absent for the vote.

CONSENT CALENDAR DISCUSSION

11. REQUEST FOR APPROVAL OF AMENDMENT NO. 4 TO PROFESSIONAL SERVICES AGREEMENT – RENEWAL FOR ADDITIONAL YEAR FOR SALES AND MARKETING SERVICES TO THE CITY; CHRISTINE MADDEN. (KEITH TOLER)

Councilor Dominguez asked, for the record, if the contractor has fulfilled the obligation to which she committed..

Mr. Toler said the contract required that she confirm that she booked 5,000 room nights, and it actually was closer to 6,000 room nights which were confirmed.

Councilor Dominguez asked what industry booked the rooms.

Mr. Toler said it was mostly association meetings which is primarily where she is working, as well as some corporate meetings and there were two Social, Military, Ethnic, Religious and Fraternal groups (SMERFs).

Councilor Dominguez asked if that information can be provided to this Committee.

Mr. Toler said he can print a report and send it to the Committee members.

MOTION: Councilor Dominguez moved, seconded by Councilor Romero, to approve this request.

VOTE: The motion was approved on a voice vote, with Councilors Romero and Dominguez voting in favor of the motion, no one voting against, and Councilor Bushee absent for the vote.

13. REQUEST FOR APPROVAL OF CHANGE ORDER NO. 4 — PUEBLOS DEL SOL TRAILS AND PARK; ADVANTAGE ASPHALT & SEAL COATING, LLC. (BEN GURULE)

Councilor Romero said she had similar questions at Public Works. She said, given what's been in the newspaper recently, around this contractor in particular, she wants to make sure we're doing everything on the "up and up." She said the last time this was discussed a basketball court was added, which was different. She said, given what happened at Patrick Smith Park when changes were made and the neighborhood didn't know about, and we had to provide emails to show that there was a paper trail for what was done. She asked if there is a paper trail on this item indicating the communications changing this particular item from Parks to Trails and Parks, and indications from the neighbors about changing it to a basketball court.

Mr. Gurule said he has some notes that he took at a meeting in Pueblos del Sol, at Lee Brown's house, on October 14, 2008. He said the notes indicate drainage problems in the retention pond at 3033 Cliff Palace, issues about raised crosswalks and a basketball court. He said the notes show improvements to the park, paving of the parking lot and drainage problems.

Acting Chair Wurzbarger said this would have come in more recently than 2008. She asked him if the basketball court was discussed in 2008, and Mr. Gurule said yes.

Councilor Romero said, given that the meeting was more than two years ago, she would like a letter to the Committee from the neighborhood association that it is still in concurrence with the changes that have occurred, including the basketball court and other improvements, so it is clear when this goes to the Council for consideration, that we do have background information.

Mr. Gurule said he will make an effort to contact the neighborhood association to get something in writing.

Acting Chair Wurzburger said then the concept is to move this forward to the Council, but at least touch base with neighbors because of our experience with neighbors, rather than our experience with Advantage Asphalt, and Councilor Romero said this is correct.

Councilor Dominguez said the recent events to which Councilor Romero has alluded, don't have to do with the contractor, but about process. He is confident that the staff is diligent and is as clean as possible in the process. He said many times the notes staff takes at the neighborhood meetings for parks are considered as minutes and entered into a public record.

Mr. Gurule said when staff is asked to attend a neighborhood meeting, we try to keep a record and take notes of what they are requesting. In this situation, Martin Valdez had the record of the meeting notes and kept them. He said he took notes that night, but doesn't know where his notes are.

Councilor Dominguez said it has been his experience that in other neighborhood meetings where staff is in attendance, the notes that they take become a part of the record. He supports the motion.

Councilor Romero said we recently had an experience on Coronado Road, for example, where the neighborhood association polled people and we moved on the road. We started to get calls from people saying no one ever contacted them, and asked for minutes. She said Chris Ortega had to go back and do a survey that showed 60% in the neighborhood wanted something and the other 40% didn't. She isn't saying staff has done anything wrong, but it is a good protection to have something in writing on the record. She reiterated she wants a letter from the neighborhood indicating they are in favor of the basketball court, so we don't have to go back and do a survey.

MOTION: Councilor Romero moved, seconded by Councilor Dominguez, to move this forward to the Council, and to direct staff, by the time this goes to Council, to contact the neighborhood association to get a letter of support which indicates they are aware of the plans for the basketball court, and that the notes from that meeting taken by Mr. Valdez become a part of the record.

VOTE: The motion was approved on a voice vote, with Councilors Romero and Dominguez voting in favor of the motion, no one voting against, and Councilor Bushee absent for the vote.

Mr. Gurule said the basketball court has already been built. He said the change order requested this evening is "recommending approval of Change Order #4," which deals with ADA improvements.

Acting Chair Wurzburger said this Committee still wants to know if this request has gone through neighborhood recently.

Mr. Gurule said he will get a letter that the neighborhood did support the basketball court at the time it was built.

15. REQUEST FOR APPROVAL – SANTA FE MUNICIPAL AIRPORT STORM WATER POLLUTION PREVENTION PLAN. (JIM MONTMAN)

Acting Chair Wurzburger asked if this is an unfunded mandate and asked the cost to the City to do what we were required to do.

Councilor Bushee arrived at the meeting

Mr. Montman said it is an unfunded mandate, but we got grant funding when we did the first plan in 2002, and then we had grant funding to update the plan this time. He said he had difficulty getting the plan right because of all the things we had to do.

MOTION: Councilor Wurzburger moved, seconded by Councilor Dominguez, to approve this request.

VOTE: The motion was approved a voice vote, with Councilors Bushee, Dominguez and Wurzburger voting in favor of the motion, no one voting against, and Councilors Romero absent for the vote.

Acting Chair Wurzburger updated Councilor Bushee with respect to what items were considered prior to her arrival, and said if Councilor Bushee has additional items to remove from Consent which haven't already been considered this evening, it is necessary to amend the agenda. She said she doesn't want to revisit any action taken previously this evening.

MOTION: Councilor Bushee moved, seconded by Councilor Romero, to reconsider the previous action to approve the Consent Agenda, as amended, to remove additional items for discussion, and to approve the Consent Agenda as further amended.

VOTE: The motion was approved unanimously on a voice vote.

12. REQUEST FOR APPROVAL OF BUDGET INCREASE AND PURCHASE OF TWO (2) TRANSIT BUSES. (JON BULTHUIS)

Councilor Bushee said, because of the size of the City's match, she hopes we can pursue sharing that match with the RTD.

Mr. Bulthuis said, as directed by the RPA, staff is working on an invoice of the services which the City has provided, and that will go forward this week. He said hopefully those revenues will be forthcoming in the near term. He said this was the most readily available source of funds so we could keep the project moving forward.

MOTION: Councilor Bushee moved, seconded by Councilor Dominguez to approve this request, with direction to staff to pursue sharing the City's portion of the match with the RTD.

VOTE: The motion was approved on a voice vote with Councilors Bushee and Dominguez voting in favor of the Motion and Councilor Romero voting against.

14. REQUEST FOR APPROVAL OF CHANGE ORDER NO. 21 TO CONSTRUCTION CONTRACT – COMPLETION OF LANDSCAPING FOR SFCCC; CAMERON/SWINERTON. (CHIP LILIENTHAL)

Councilor Bushee noted the landscaping is more than \$400,000, and she is appreciative that there have been minimal changes relative to the size of the project. However, this is a very large change order, and asked if “this is after the fact paying for the landscaping we have already.”

Mr. Lilienthal said the City Council decided, to save money, to hold off on the two landscape areas until we knew we had the funds to move forward. Those are add alternative 1 which is the fish pond, and add alternative 2 is the bowl.

Acting Chair Wurzbarger asked if this landscaping is already done – what are we getting for the almost half a million dollars.

Mr. Lilienthal asked if they would like a breakdown of the costs received from Cameron/Swinerton Construction.

Councilor Bushee said yes, noting this is almost 1/3 of the project, and it is a lot for landscaping. She asked if this include hardscaping.

Mr. Lilienthal said it does including hardscaping. Add on #1 where the fish are, will all be for brick and electrical.

Councilor Bushee asked if this is another place where people can vend things, and Mr. Lilienthal said yes.

MOTION: Councilor Bushee moved, seconded by Councilor Romero, to postpone this item to the Finance Committee meeting of July 6, 2010, so we can get full information.

DISCUSSION: Councilor Bushee asked that this item be sent to Public Works.

Responding to Councilor Romero, Acting Chair Wurzbarger said there is no discussion on a motion to postpone.

Councilor Bushee said, “As I remember Robert’s Rules and our Governing Body Rules, is that each person gets to speak once to the postponement. In our Governing Body Rules, we allow that.”

Acting Chair Wurzbarger said, "Okay, let's just go ahead and allow that. We get to each say one thing about this postponement, which could include any additional, if I may, and let's all stay together... which would include any additional direction to staff which I personally would like to make."

Councilor Romero said she wants to give direction in addition to Councilor Bushee's request for information. She would like to direct staff to look at the possibility of breaking up these contracts, and see if they can be made smaller. She said we've heard from the local vendors that sometimes the contracts are so large they can't bid.

Councilor Romero said, "A suggestion is, when you bring back the information that's.. what is it you're asking for, a breakdown... if there also a possibility of doing several contracts so it's not just the one. I'm just checking, because I know it's come up before."

Mr. Lilienthal said, "Councilor Romero, it is possible to go ahead and do so, and when I bring back the breakdown of the cost of the project, I will also bring back the subcontractors listing. We know that Cameron Construction Company did go out for bidding for landscapers, hardscapes, and they settled on, of course, the lowest prices they could get. So, I'll bring it all back."

Acting Chair Wurzbarger said, "What I would like to add, and maybe it's self evident, because I'm at the point where I think Councilor Bushee is, and I want to have a clear understanding. I thought the fish area was e done with fish jumping out of a gray river. So, I'd like to have not just a I'd like to see the plan, so you can show the pictures of what's supposed to happen and not just the line items, so that we have a basis for judging whether or not we need, or think we need, a half million dollars of landscaping, if that's clear."

Councilor Bushee said, "It sounds more like hardscaping and right now, in that area, it's pretty much staff parking their motorcycles."

Acting Chair Wurzbarger, responding to Councilor Bushee, said, "Let's bring the schematics back here because we missed this at Public Works, if you don't mind. Are you okay with that Carmichael."

Councilor Dominguez indicated this is okay.

Acting Chair Wurzbarger said, "Then we'll bring this back here with the schematics and with the concerns that Councilor Romero and Councilor Bushee have raised, and we'll try to get that on the next agenda for you, assuming you can get us the information."

VOTE: The motion was approved unanimously on a voice vote.

16. REQUEST FOR APPROVAL OF SOLAR ENERGY AGREEMENT – DESIGN, CONSTRUCT, OWN, OPERATE AND MAINTAIN SOLAR ELECTRICITY FOR BUCKMAN DIRECT DIVERSION PROJECT; AMERICAN CAPITAL ENERGY. (DALE LYONS)

Councilor Bushee said, "This is one of those where I wished I had served on your Committee to really hear all of the details, everything very thoroughly. And I guess I wanted to be clear about a couple of things, Dale. Is the end result that you decided to go with ultimate ownership. There are many options after the, you know the proposal for the SCA, I'm trying to remember all the acronyms, but, had we decided that the end result would be that in 21 years you would see ownership, or do you have to decide that option yet, or, what."

Mr. Lyons said the City has the option to purchase the facility in 5-6 years, and it depends on our financial situation at that point, but it is not built in now. He said this is a 20 year agreement, and if we let the agreement run its course, the solar panels will still be generating ample power to offset power at the treatment plan. He said the solar panels might be needed to be replaced at that point, so it depends on how much we have to reinvest.

Councilor Bushee said, "I just wanted to be sure it wasn't a built-in feature, because, you know, the way this industry is advancing, these things could be dinosaurs in 3 years or less."

Mr. Lyons said the infrastructure will be in place.

Councilor Bushee said, "And, again, so that I'm clear. Were these a series of arrays, or panels, or is it an actual structure. I saw the picture of the one in Taos."

Mr. Lyons said it is 8 acres of panels on a dual access tracker, noting the ones in Taos are a single access tracker. The one in Taos was ½ megawatt [MW], and this will twice that size.

Councilor Bushee asked, "And tell me how this dollar... or 0.155 per solar kilowatt hour [kWh], if there were a comparable price feature for current electricity through PNM."

Mr. Lyons said, "What we pay under Rate 11-B currently to PNM... I think our rate varies between 4 cents per kWh, all the way up to... the on-peak rate is 18 cents, 17 cents, but it's supposed to go up about another 30% next year with their rate increase. But, keep in mind that whatever we pay to American Capital Energy, the power that we use, we can request a.. we will receive a REC payment from PNM for 15 cents. So, the bottom line is that we're paying ½ cent per kWh."

Councilor Bushee said, "That's great. I guess my thought was why aren't we doing this at all City facilities, like wastewater or other places that it might pay for itself."

Mr. Lyons said Nick Schiavo is in the middle of getting 1.3 MW developed at other City facilities, and he has a power purchase agreement with Sun Edison to do that.

Councilor Bushee asked if there are state or federal funds to assist the City with this.

Mr. Lyons said staff is exploring doing another facility, perhaps near Buckman or adjacent to this same site, another MW with partial federal funding.

Councilor Bushee said, "The only other question, and there were so many pages to this agreement that I saw that we have cheap rent from the Bureau of Rec, and then I.... it did say there would be some excavated soil that would be stockpiled. Is there a lot of excavation."

Mr. Lyons said they graded the entire site in Taos. What they're going to attempt to do this time is not do any grading except for roads, so there will be minimal disturbance to the soil.

Councilor Bushee said, "Okay. But it said, you know, they'd use it on site or another project facility. I just want to make sure, because, you know, we had issues when we did things that, you know, got used, sold to the Highway or not sold, or what have you. I just wanted to make sure there wasn't a lot of that. And then, on your Exhibit E, you talked about using only 5,000 gallons of water to clean solar panels. Would that be potable water or would that be the effluent like you're going to use for construction."

Mr. Lyons said, "The water treatment plant will be right there. I think it'll probably be potable water and that's a tiny amount. That's an average amount that a household might use in a month."

Councilor Bushee asked about the language that they will hold harmless the ACE.

Acting Chair Wurzbarger said it is in the second paragraph of page 1 of the Memorandum, and says, "ACE bears all the risks of performance. Is that correct."

Mr. Lyons said, "If they don't deliver power to the BDD Board, the BDD Board does not pay for power."

Councilor Bushee asked if this applies even if it is the City's fault there is a hold up.

Mr. Lyons said, "As long as they are interconnected, they will be delivering power. So, the water treatment plant can be not drawing power, not demanding power. Whatever the power the solar facility would generate would just spill over onto the grid then."

Councilor Bushee said, "And it said in here and we don't get on line in time, and other projects jump to the forefront, we could be SOL."

Mr. Lyons said, "Not exactly. There will be another REC program. There is the current REC program from PNM, which is the 15 cents per kWh. All the interconnection requirements are known. We're going to build a facility that meets the interconnection requirements, and there is no reason to expect that PNM would not connect with this facility. If they do lower the REC rate in the future, we've estimated that we can still make this facility profitable... not profitable... it would still be economically advantageous by reducing our overall energy costs, even if the REC was as low as 7 cents per kWh."

MOTION: Councilor Bushee moved, seconded by Councilor Dominguez, to approve this request.

VOTE: The motion was approved unanimously on a voice vote.

Acting Chair Wurzburger said she failed to pull item 20, and asked Ms. Raveling to remember to talk with her about it after the meeting.

- 22. REQUEST FOR APPROVAL OF A RESOLUTION DECLARING THIS YEAR AND EVERY YEAR THEREAFTER, THAT THE WEEK PRECEDING THE SANTA FE INTERNATIONAL FOLK ART MARKET SHALL BE KNOWN AS "INTERNATIONAL FOLK ARTS WEEK." (COUNCILOR WURZBURGER). (JEANNE PRICE) Committee Review: Public Works (Scheduled) 6/28/10; Council (Scheduled) 6/30/10. Fiscal impact – no.**

Councilor Romero asked if they also are requesting to hold events on the Plaza, or if this is just to designate the one week as "International Folk Arts Week."

Acting Chair Wurzburger said it is to designate the week.

Responding to Councilor Romero, Acting Chair Wurzburger said some of the events are on the Plaza, noting the night with the music is on the Plaza.

MOTION: Councilor Romero moved, seconded by Councilor Wurzburger, to approve this request.

VOTE: The motion was approved on a voice vote, with Councilors Romero, Wurzburger and Dominguez voting in favor of the motion, no one voting against, and Councilor Bushee absent for the vote.

- 23. REQUEST FOR APPROVAL OF A RESOLUTION REPEALING RESOLUTION NO. 2008-50 THAT ESTABLISHED THE LAND USE SUB-COMMITTEE, A SUB-COMMITTEE OF THE PUBLIC WORKS/CIP & LAND USE COMMITTEE, FOR THE PURPOSE OF ELIMINATING THE LAND USE SUB-COMMITTEE (COUNCILOR DOMINGUEZ). (JEANNE PRICE) Committee Review: (Public Works (Scheduled) 6/28/1 and Council (Scheduled) 6/30/10. Fiscal Impact – No.**

A copy of a proposed amendment sheet submitted by Councilor Romero is incorporated herewith to these minutes as Exhibit "2."

Councilor Romero said she has amendments to the Resolution which were given to the Committee members [Exhibit "2"], and she would like to amend #1.

MOTION: Councilor Romero moved, seconded by Councilor Dominguez, to approve this request, as amended, with an amendment to #1 as follows: "1. On page 2, line 8, after the word "Sub-committee" insert the words "Effective September 4 30, 2010; and..."

DISCUSSION: Councilor Romero said it will take about 3 months to wrap up the work, including approval of minutes, and the two projects moving forward – Chapter 14 and the Escarpment.

Acting Chair Wurzburger asked to be added as a cosponsor.

VOTE: The motion was approved unanimously on a voice vote.

- 24. REQUEST FOR APPROVAL OF A RESOLUTION ALLOCATING THREE ACRE FEET OF AVAILABLE WATER FROM THE CITY'S EXISTING WATER SUPPLY TO LUNA LAUNDRY TO BE LOCATED AT 3138 RUFINA STREET (COUNCILOR CALVERT). (BRIAN SNYDER)**
Committee Review: Public Utilities (Scheduled) 7/07/10; and Council (Scheduled) 7/14/10.
Fiscal Impact – Yes.

Councilor Bushee said, "I have a concern. As much as I value this company and the conservation they've done around the water. This will be the first time the City... everything's is out of order. Here we go. We'll be taking our potential water rights, that could be used for a myriad of things, and applying it to a private business. I understand our lawyer's interpretation of this, but I don't necessarily think this was the intent of what we expected to do. And so I guess my point is that I would like to... I mean... Brian, it's still unclear... these are water rights the City could use in other ways.

Mr. Snyder said the water rights proposed to be used are the water rights... or the water offsets that we've conserved through conservation. He said in the past these have been converted to affordable housing. Last year we transferred 49 afy to affordable housing. He said these water rights could be used for other things.

Councilor Bushee asked if these could be used for our own offset purposes, if we had need.

Marcus Martinez, said, "These are not water rights that we would be designating, *per se*. They would be in the form of water conservation credits, so we could not use these for offset purposes. They would be....."

Councilor Bushee said, "In other words they just don't have to pay for their water rights that they would have to bring to the table to offset their use."

Mr. Martinez said, "Under this Resolution, yes, the Governing Body would be allocating water from the City's available sources of water. And in this case, the source of water is coming from the conserved water which has been obtained through the various conservation based measures."

Councilor Bushee said, "So my concern is again, this is the first private entity that we will be essentially waiving.... now my guess is the market rate of an acre foot of water is somewhere in the vicinity of \$15,000."

Mr. Martinez said it is \$15,000 to \$20,000.

Councilor Bushee said then there is essentially \$45,000 to \$60,000 waiving of those fees or charges.

Mr. Martinez said, "Because the City hasn't paid for the conserved water benefit, we weren't thinking of it that way. We were thinking more of an allocation within the system."

Councilor Bushee asked, "But, if you were to actually get a business to take care of their offsets, what would they have to do. Buy water rights from our bank."

Mr. Martinez said normally they would have to transfer water rights if they were over 5 afy for a commercial development. This would be under 5 afy, so they would be able to purchase from the water bank conserved credits like these.

Councilor Bushee said then that would be in the range of \$45,000 to \$60,000.

Mr. Martinez said, "I imagine."

Councilor Bushee said, "So, my suggestion, and you know the sponsor isn't here. And I understand this is being done so the business owner can move back into the City and purchase a building, but I would consider this, because it's precedent setting, because this is the first time we've done this. Correct."

Mr. Martinez said, "That's right, because this is a new ordinance."

Councilor Bushee said, "Well I would suggest that we use this more as a bridge loan of sorts, and that if and when that move is made and business is increased, the water could be borrowed from the water bank and the City should be paid back."

Acting Chair Wurzbarger said, "To me, this is somewhat of an academic or an accounting issue. He currently is using City water. The basis of our whole water budget, is to bring water in so there would be no further effect."

Councilor Bushee said, "They are using City water but reside in the County."

Acting Chair Wurzbarger said, "Well, they're using City water now. Correct. So this is what's different. This isn't just getting a new business that's coming to town and moving across the line. And I think you would have some implications for annexation. Again, the principle for making people pay for water is that we don't have the water to give, but if they're already using it, the thing that might make sense

to me is if for some reason by living in the City they'll be using more water then they would pay for that. But, I don't see it as...."

Councilor Bushee said, "Let me clarify it from my perspective. It's like you've decided to... and you're living in the County and you're connected and it runs with your property. So that if you decide to buy a lot or buy a building in the City and that property has an offset requirement that comes with it, and that's the case here."

Acting Chair Wurzbarger said, "It is based on the primary normative principle that more water is going to be used."

Councilor Bushee said, "My understanding is that the expansion of the business is for to grow the business.... I mean the move is to grow the business. I'm just concerned that this is the first... well, this is precedent setting from my perspective."

Councilor Dominguez pointed out that this is a new ordinance, but it isn't necessarily that it's the first time.....".

Councilor Bushee said this is the first time we will have done it for anything other than a public purpose, such as affordable housing.

Acting Chair Wurzbarger said anything they use over this amount would have to be made up in some kind of water credit. She said this is a wash.

Mr. Snyder said the owner of Luna Laundry is here this evening. He said he approached the City originally, and one of the Councilors. He said right now water budgets are tied to a meter and to property. In the case of an existing business on the existing water system, where a person looks to move to a new place, there is no existing system in place to transfer that water to the new address. He said staff looked at process and possibly modifying the ordinance to allow for that transfer. In this case, it is a time sensitive issue in trying to close on the building. He said in evaluating the Ordinance, it was determined there is a mechanism which accomplishes this.

Mr. Snyder said, "And Councilor Bushee is correct that this has never been done. It is a new ordinance and the original thought was to possibly modify existing ordinance language to allow for transfers or transfers of a water budget from one property to another. So, in the case of Luna Laundry, they wouldn't have to go out and purchase water rights if they've already been using those water rights and encumbered."

Councilor Bushee asked, if we waive the water rights now, would we be waiving the rights for the future.

Mr. Snyder said, "When they take their recycled system, the only thing that remains at the facility is a bathroom. It's a shell of a building and a bathroom. Yes, there's 3 afy of water budget, however there is a requirement that a like or similar use has to come into that facility."

Acting Chair Wurzbarger said, "Well that wouldn't work then. My argument then falls apart as to how to resolve this. Because you either take it with you or you don't take it with you. You can't then leave it for someone else. Because we're looking at the balance between from here to there, and then paying for anything more. That, to me is a policy that makes sense. But I certainly wouldn't want them to pick up 3 afy. It sounds like we definitely have an ordinance problem."

Mr. Snyder said, "You are correct. If we were to move forward with this, there still remains the 3 afy for a one year time frame for a similar use at that facility."

Acting Chair Wurzbarger said that means we could have two laundries, therefore using twice as much water, for which we have not charged him anything, and Mr. Snyder said this is correct.

Councilor Bushee suggested sending this back to the Public Utilities Committee.

Acting Chair Wurzbarger said we may need to do so some work. She said as long as the water usage doesn't change, she is comfortable with not putting a penalty on moving back and forth. However, we need to deal with the issue of it going with the land. She understands it now.

MOTION: Councilor Bushee moved, seconded by Councilor Romero, to remand this item back to the Public Utilities Committee, and direct staff to come up with a different scenario.

DISCUSSION: Responding to Acting Chair Wurzbarger, Mr. Snyder said it is scheduled for the July 7, 2010, PUC meeting, and is time sensitive for August. He said this Resolution is following the annual water budget.

Acting Chair Wurzbarger said we need to work with legal counsel as to how to do this.

Councilor Bushee is concerned about setting precedent.

Councilor Romero said it is on the agenda for July 7, 2010, and direction to staff is to resolve the remaining issues by July 7, 2010, and she would like to work to resolve the issues..

VOTE: The motion was approved unanimously on a voice vote.

END OF CONSENT CALENDAR DISCUSSION

DISCUSSION

29. OTHER FINANCIAL INFORMATION:

- A. UPDATE ON GROSS RECEIPTS TAX RECEIVED IN APRIL 2010 (FOR FEBRUARY 2010 ACTIVITY) AND LODGERS' TAX RECEIVED IN MAY 2010 (FOR APRIL 2010 ACTIVITY). (HELENE HAUSMAN)**

Councilor Dominguez asked Ms. Raveling if the GRT increase is the beginning of a trend.

Ms. Raveling said she is happy with the trend. However, in looking at the budget, the impact over all the funds is about \$10 million, and \$6.4 million to the General Fund. She said we have one more month that it can change a little.

Acting Chair Wurzburger said we were projecting a \$5 million shortfall, which now could be a \$6.4 million, and we could be looking for another \$1.4 million if it doesn't get better.

Ms. Raveling said the indications are that things are getting better gradually, but there is an impact because it is very slowly getting better.

Acting Chair Wurzburger said no one at the recent Mayor's Conference thought things were getting better.

30. REQUEST FOR APPROVAL TO FILL VACANT POSITIONS. (ROBERT ROMERO)

MOTION: Councilor Romero moved, seconded by Councilor Dominguez, to approve this request.

DISCUSSION: Councilor Romero said there are two positions in Land Use, and she understood one of them is the Neighborhood Services Planner who could be doing other things besides being the Neighborhood Planner, include working on annexation. She asked about the two positions.

Mr. O'Reilly said one is a Land Use Planner Senior and the other is a Land Use Planner Senior Neighborhood Services. The Land use Planner Senior will be doing general land use planner work and will be working in the Current Planning Division and the Historic Division. The goal is to get all of the Land Use Planner Seniors cross-trained. He said the H-Board agendas are quite large and they are missing some people there. They lost an Administrative Assistant and will be losing a Land Use Planner Senior and need some help. The Land Use Planner Senior Neighborhood Services is what is commonly referred to as the Neighborhood Planner. He said that person will be getting training on the entire Code which is necessary to do the Neighborhood Planner position duties, but he also wants to use them in case management.

Councilor Romero asked how many permits do we have currently on annexation, or are we just getting questions.

Mr. O'Reilly said both, and it is important to distinguish between permits and development applications. Currently there are more than 14 development cases in the presumptive City limits since October 5, 2010, and that doesn't include cases that went to the Summary Committee for lot splits. He said the net total is a little over 10,500 additional acres that the Land Use Department has to oversee, including annexation.

Acting Chair Wurzburger said the question is how many acres are associated with the 14 development cases.

Mr. O'Reilly said he would have to total that, some are large and some are small. He estimates that about 400 acres are involved out of the 10,500 acres.

Councilor Romero asked about the position of Recreation Section Manager.

Acting Chair Wurzburger asked, for the moment, if we could stay on the land use positions. She said she and Councilor Ortiz have questions. Her question, regarding the Neighborhood Planner, is if Mr. O'Reilly included the required facilitation skills, so we don't have to continue to hire outside people to do this.

Mr. O'Reilly said the Land Use Department has canceled all facilitation contracts, and all facilitation is being handled by the Department Director.

Councilor Bushee would like to stipulate that the Neighborhood Planner actually will live in this community so they can stay here for evening meetings, noting they can live in the County, so long as they live in the area.

Mr. O'Reilly said he is unsure we can do that.

Councilor Bushee would like to have that somehow weighted in the selection criteria, commenting that it is problematic to have someone living elsewhere.

Responding to the Acting Chair, Mr. O'Reilly said there were 40 applicants for each position, many of which didn't meet the minimum qualifications laid out in the job description. He said he has identified a preferred candidate for each position, but they don't live in the State right now, and they would have to move here, which they are prepared to do.

Councilor Romero said, "On that point, if I recall, the Land Use Subcommittee had encouraged criteria, which, Councilor you were part of that discussion as well as Councilor Trujillo. So, the encouragement for criteria, Matt, for the Neighborhood Planner was that they met all the points of the criteria and that they had facilitation skills... I appreciate that you're facilitating the meetings and that those contracts have been canceled... but criteria for the neighborhood planner was that they actually had the skills, that they had some kind of training for facilitation of neighborhood meetings, which you have to know the neighborhoods and be able to facilitate those meetings, not just the [inaudible]. So, the criteria just noted just doesn't sound like the people you chose, but that's management. That's not our job. But I will say, from a Land Use Subcommittee perspective is that there was criteria that we encouraged.

Acting Chair Wurzburger said the Committee felt strongly that the Land Use Planner should be able to establish a process template, noting it is different to be able to do it yourself than to train planners which is a different skill.

Mr. O'Reilly said both prime candidates are former City employees who have lived in the City and worked in Planning. The Neighborhood Planner candidate in particular, has worked on developing plans in other parts of the country, and the only applicant with those required skills.

Acting Chair Wurzbarger and Councilor Romero said this makes them feel better.

Councilor Romero said she has questions about the Recreation Section Manager. She asked what they will be doing, and where does it fit in the flow chart.

Mr. Romero said last year when Recreation was reorganized, he eliminated an assistant division director, two administrative managers and a building supervisor. He believes it is very lean in recreation in management, and this position has become vacant and is a recreation manager at the GCCC.

Councilor Bushee said when Mr. Romero first proposed elimination of the position at the GCCC he had said this would be unfilled and would be a cost savings.

Mr. Romero said he doesn't remember ever saying that.

Councilor Bushee does remember him saying the person promoted would get quite a raise because the duties would be increased, and they wouldn't be filling the position which the person vacated. She asked if there is anybody in-house that could cover this position duties.

Mr. Romero reiterated that it is very lean there, and there aren't many high level managers. He said this is an important position that has taken on larger role with more responsibility. He said this position does a lot of day to day things as well, and he feels it is definitely needed. He said this isn't a net change of what has happened in the Recreation Division. He thinks it needs to be filled, but if the Council doesn't agree, then he'll have to do something else.

Acting Chair Wurzbarger understands that this is an existing position, in the budget, and is not a new position, so this is a request to fill this position, which is what we were requiring, and Mr. Romero said this is correct.

Councilor Bushee said perhaps she misinterpreted this action as a cost savings.

Councilor Bushee said the planner position probably shouldn't be connected to annexation. The idea was that until we got more money, we wouldn't fill those positions. She said this is just editorial comment, and she doesn't need a response.

Councilor Dominguez said he would like a response to that editorial comment.

Councilor Bushee said she believes we have a need, but she wouldn't tie the need to annexation. She said we will have a greater need once we get into annexation.

Mr. Reilly said regardless of whether the annexation moves forward under the current schedule, the Land Use Department still will have jurisdiction over the presumptive City limits.

Councilor Bushee reiterated the need exists, but in the future we will need additional staff, not only in Land use but in other Departments such as Fire and Police.

Acting Chair Wurzburger asked when we will receive a new organization chart that reflects the people who are leaving.

Mr. Romero said an organizational chart was approved with the budget, but there will need to be changes with Kathy leaving.

Acting Chair Wurzburger said we really need to get clarity and consensus on what we're doing in that area, and would like for this item to go to the Finance and Public Works Committee and the City Council.

Councilor Romero said we are looking only for an organization chart where there will be significant changes, such as Housing and Recreation.

Mr. Romero said the only one he was going to bring forward was the overall organization chart.

It was the consensus among the Committee to consider this only at Council.

VOTE: The motion was approved unanimously on a voice vote

Acting Chair Wurzburger said, then pending Council review, Mr. Romero can fill these positions.

31. MATTERS FROM THE COMMITTEE

- Councilor Romero said Councilor Bushee gave direction to staff to ask the RTD to participate in the match. She will ask the RTD staff to bring their budget for presentation to the Council so you can see it is all based on GRTs.

Councilor Romero said, given our action to dissolve the Land Use Subcommittee, she hopes we will review the appropriateness and viability of other City subcommittees and task forces, or if they can be merged with other committees or task forces.

Councilor said she received an email from Commission Stefanics that our share of the RPA budget is \$49,413. She asked Ms. Raveling to confirm that we still have the City's share of the RPA in our budget.

Councilor Romero asked that the City Manager give some communication on significant positions that are being filled within the City.

- Acting Chair Wurzburger, responding to Ms. Raveling, said some of the Committee members think there is no budget. She would like Ms. Raveling to look at the budget and see if there are funds for the RPA in the budget.

Councilor Romero said we removed the salary line item, but left a share to cover the cost of administration and noticing meetings. She said Commissioner Stefanics indicated the County included its share of the RPA in the budget, which is \$49,413.

Acting Chair Wurzburger said it is necessary to first check to see what we did in the budget process, and we want an affirmation from Ms. Raveling in this regard, and then we will figure out what to do.

- Councilor Dominguez would like an update on the RPA, RTD and joint things we have with other government entities, and the financial implications.

Acting Chair Wurzburger said she will ask Chair Ortiz to put an update on the agenda.

- Councilor Bushee said, in terms of process, for agenda items she would like staff to include all financial information in the Memorandum itself, rather than in attachments.
- Acting Chair Wurzburger said one of the contracts is a 7-8 year contract. She said we need to give direction to staff to develop a Resolution which contains clear direction about how we handle multi-year contracts, as well as making additions to contracts.
- Councilor Bushee said she spoke with the Mayor and City Manager and requested that they invite the State Auditor Hector Balderas to review our process, just to be sure we are being transparent about any contracts.

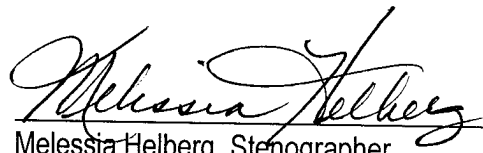
32. ADJOURN

There was no further business to come before the Committee, and the meeting was adjourned at approximately 6:30 p.m.

Reviewed by:

Matthew E. Ortiz, Chair

Kathryn L. Raveling, Acting Director
Department of Finance


Melessia Helberg, Stenographer